

SENATE CHAMBER,  
AUSTIN, TEXAS, Wednesday, August 3, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Pyle the reading of the journal was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Report of Committee on Judiciary:

COMMITTEE ROOM,  
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary to whom was referred claim of S. B. Buckley for services as geologist in 1866 and 1867, have carefully considered the same, and I am instructed to report the accompanying bill entitled "An Act for the relief of S. B. Buckley, late assistant State Geologist," and respectfully recommend its passage.

M. PRIEST,  
Chairman.

Laid over under the rules.

Report of Committee on Judiciary:

COMMITTEE ROOM,  
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary to whom was referred Senate bill No. 132, entitled an "Act requiring justices of the peace to tax a jury fee of three dollars in each criminal case tried before them, and to allow fees to juries in such cases," have had the same under consideration, and I am instructed to report it back, with accompanying amendment, and recommend its passage.

M. PRIEST,  
Chairman.

Amend section one, line five, by adding after the word "convicted," the words "by a jury."

On motion of Senator Priest the rules were suspended, and report of committee, with amendments, adopted.

Rules suspended, bill read second time and passed to engrossment; and, on further motion, the rules were suspended, and bill read third time and passed.

By leave, Senator Priest offered the following resolution:

*Resolved*, That the Secretary of the Senate be, and he is hereby authorized to employ such assistant clerks as may be necessary to a correct and prompt dispatch of the business of the Senate.

*Resolved*, That the Secretary require the punctual attendance of the clerks of the Senate, and report to the Senate any delinquents in duty by the clerks or assistants, that proper and just deductions may be made in the payment of their *per diem*.

Adopted.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,  
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred "Petition of George Harris and others," having had the same under consideration, instruct me to report the accompanying bill, entitled "An Act to incorporate the Webberville Ferry Company," and recommend its passage.

J. G. BELL,  
Chairman.

On motion of Senator Bowers the rules were suspended to consider the report.

Report read and adopted.

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Latimer, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—22.

Nays—None.

Absent—Clark, Fountain, Hertzberg, Mills, Pickett, Parsons, Saylor—6.

Bill passed.

Report of Committee on Engrossed bills:

COMMITTEE ROOM,  
Austin, August 3, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and

compared Senate bill No. 296, "declaring that the time between the date of the so-called ordinance of secession, and the date of the acceptance by the Congress of the United States of the State Constitution, shall not be counted or reckoned against railroad companies," find the same to be correctly engrossed.

G. T. RUBY,  
E. L. DOHONEY,  
P. W. HALL.

Report of Committee on Judiciary :

COMMITTEE ROOM,  
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred Senate bill No. 184, "An Act to incorporate the Superannuated Preachers' Aid Society," and also Senate bill No. 314, "An Act to regulate the disposal of the public lands," have had the same under careful consideration, and I am instructed to report them back to the Senate with the recommendation that they do pass.

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.

## BILLS AND RESOLUTIONS.

By Senator Ruby :

*Resolved*, That the Chairman of the Committee on Public Buildings be authorized and requested to furnish a room for the engrossing and enrolling clerks, and that the Sergeant-at-Arms be authorized to purchase furniture for the same.

Adopted.

By Senator Bowers :

A bill to be entitled "An Act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements."

On motion of Senator Bowers, the rules were suspended to consider the bill.

Rule suspended and bill read first and second time and passed to engrossment.

Rules further suspended and bill read third time and passed.

By Senator Pickett :

"An Act to aid the construction of railroads."

Read first time and referred to Committee on Internal Improvements.

Senator Pickett offered the following resolution :

WHEREAS, The State of Texas has (art. 9, sec. 8, Con.) resumed all right and title to the public lands heretofore donated to the several counties for educational purposes, by virtue of the act of January 26, 1839, and also the act of February 5, 1849, and also the act of January 15, 1850, and in lieu thereof has become pledged "to establish a uniform system of public free schools, for the gratuitous instruction of all the inhabitants of the State between the ages of six and eighteen years," and

Whereas, the titles to many of these lands are still unperfected, and the lands themselves—generally choice, having been selected with great care—are being trespassed upon and depreciated through neglect, and

Whereas, many of the counties have expended considerable means in locating these lands, and should be remunerated ; therefore,

*Resolved*, That the matter of the public school lands be submitted to a select committee of five, to prepare a bill in reference to said lands.

Adopted

The Chair appointed on said committee Senators Pettit, Flanagan, Gaines, Alford, Evans.

On motion of Senator Flanagan Senator Broughton was added to the committee.

By Senator Alford: "An Act authorizing the county courts to sell the school lands in their respective counties."

Read first time and referred to select committee.

On motion of Senator Flanagan Senator Bowers was added to the Committee on Public Debt.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 93, "An Act for the improvement of the navigation of the Colorado river."

Rules suspended and substitute adopted.

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time and passed.

On motion of Senator Dohoney the rules were suspended to take up Senate bill No. 265, a bill entitled "An Act to incorporate the city of Paris, Texas."

Report of committee, with amendments, adopted.

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain,

Hall, Hertzberg, Latimer, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—none.

Absent—Gaines, Mills, Parsons—3.

Bill passed.

On motion of Senator Hall the rules were suspended to take up House bill No. 264, "An Act to incorporate Trinity University, located at Tehuacana Hill, Limestone county, Texas."

Bill read first time; rules suspended, bill read second time.

Rules further suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Latimer, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—None.

Absent—Gaines, Mills, Parsons—3.

Bill passed.

On motion of Senator Pyle the rules were suspended to take up House bill No. 13, "An Act to incorporate Big Cypress Bridge Company."

Bill read first time; rules suspended, bill read second time.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Latimer, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—None.

Excused from voting—Gaines.

Absent—Mills, Parsons—2.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up House bill No. 105, "An Act to incorporate the Texas Mutual Life Insurance Company."

Rules suspended, bill read first time; rules suspended and bill read second time; rules further suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Shannon—24.

Nays—Alford.

Absent—Dohoney, Parsons, Ruby, Saylor—4.

Bill passed.

Senator Pickett offered the following resolution:

*Resolved*, That the Secretary of the Senate call the roll of Senators alphabetically, and that each Senator when his name is called shall have the right to call up one bill or resolution.

On motion of Senator Pickett the rules were suspended to consider the resolution.

Resolution adopted.

On motion of Senator Alford the rules were suspended to take up House bill No. 53, "An Act to incorporate the Jefferson Insurance and Exchange Company."

Bill read first time.

Rules suspended, bill read second time; rules further suspended, bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Alford, Baker, Bell, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—25.

Nays—none.

Absent—Bowers, Broughton, Parsons—3.

Bill passed.

Message from the House informing the Senate the House had appointed the following Committee of Conference on Senate bill No. 82: Messrs. Harn, Jenkins and Mullins.

Also, that the House had passed Senate bill No. 16, "An Act to incorporate the Germania Saving, Trust and Exchange Company."

Senate bill No. 98, "An Act for the relief of John H. Swoford, assessor and collector of Johnson county and his sureties, and Elbert M. Heath, deputy assessor and collector, and his sureties.

On motion of Senator Baker the rules were suspended to take up House bill No. 438, "An Act to incorporate the Weatherford Masonic Institute."

Bill read first time.

Rules suspended, bill read second time; rules suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—24.

Nays—none.

Absent—Bowers, Hertzberg, Mills, Parsons, Pickett—5.

Bill passed.

On motion of Senator Bowers the rules were suspended to take up Senate bill No. 97, entitled "An Act or the relief of W. B. Price."

Report and substitute read and adopted.

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time.

Senator Mills moved a call of the Senate.

Senator Bowers rose to a point of order: that a call of the Senate is out of order during a call of the roll.

Chair decided the point not well taken.

Senator Alford appealed from the decision of the Chair.

The Senate sustained the decision of the Chair.

The question recurring upon the motion of Senator Mills to call the Senate, roll called.

Absent--Senator Parsons.

On motion of Senator Ruby the call of the Senate was suspended.

The question recurring upon the final passage of Senate bill No. 97, the yeas and nays were taken:

Yeas--Mr. President, Baker, Bell, Bowers, Clark, Cole, Evans, Flanagan, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pridgen, Pyle, Rawson, Ruby, Shannon--20.

Nays--Dohoney, Pickett--2.

Absent--Alford, Broughton, Douglas, Ford, Parsons, Priest, Saylor--7.

Bill passed.

Under direction of the President the Secretary carried to the House, House bill No. 200, "An Act in relation to the Missouri, Kansas and Texas Railroad Company."

On motion of Senator Broughton the rules were suspended to take up Senate bill No. 274, a bill to be entitled "An Act to incorporate Troupe Seminary."

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--27.

Nays--None.

Absent--Parsons, Saylor--2.

Bill passed.

On motion of Senator Clark, the rules were suspended to take up Senate bill No. 246, "An Act creating the county of San Jacinto and naming the county site thereof," with amendment.

Bill read second time as amended and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor, Shannon--24.

Nays--Douglas.

Absent--Hall, Parsons, Pettit, Pyle--4.

Bill passed.

On motion of Senator Cole, the rules were suspended to take up House bill No. 463, "An Act for the relief of the heirs of John D. Craig, deceased.

Bill read first time.

Rules suspended and bill read second time.

Senator Bowers offered the following amendment to section one :  
"Provided that nothing in this act shall be construed to interfere with the rights of third persons."

Adopted.

Rules suspended and bill read second time; rules further suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas--Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Latimer, Mills, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--23.

Nays--None.

Absent--Hall, Hertzberg, Parsons, Pettit, Mills, Saylor--6.

Bill passed.

Message from the House informing the Senate the House had passed House bill No. 306, "An Act to amend an act entitled 'An Act incorporating the city of Jefferson, in Marion county,' approved September 11, 1866."

On motion of Senator Campbell, the rules were suspended to take up House bill No. 306, "An Act to amend an act entitled 'An Act incorporating the city of Jefferson, in Marion county,' approved September 11, 1866."

Bill read first time, rules suspended and bill read second time; rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas--Mr. President, Alford, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--23.

Nays--None.



Absent--Baker, Hertzberg, Mills, Parsons, Pettit, Douglas--6.

On motion of Senator Dohoney the rules were suspended to take up Senate bill No. 201, "An Act to prohibit the sale of intoxicating liquors within two miles of Shiloh Male and Female Academy."

On motion of Senator Dohoney the House amendments were concurred in and bill read third time and passed as amended.

The hour having arrived for the consideration of special order, Senate bill No. 51, "An Act providing for a geological survey of the State of Texas."

Bill read third time and passed.

On motion of Senator Douglas, the rules were suspended to take up Senate bill No. 275, a bill to be entitled "An Act to prohibit the sale of intoxicating liquors in the vicinity of Troupe Seminary."

Substitute bill read first time and adopted.

Rules suspended, bill read second time and passed to engrossment.

Rules suspended, and bill read third time and passed.

On motion of Senator Evans the rules were suspended, to take up House bill No. 355, "An Act to incorporate the West Fork Male and Female College."

Bill read first time.

Rules suspended, bill read second time; rules further suspended and bill read third time.

Yeas and nays taken:

Yeas--Mr. President, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--22.

Nays--None.

Absent--Bowers, Hertzberg, Latimer, Mills, Parsons, Pickett, Saylor--7.

Bill passed.

On motion of Senator Ford the following Committee of two of Conference was appointed to confer with a like committee on part of the House on Senate bill No. 82.

The Chair appointed on said Committee Senators Ford and Douglas.

On motion of Senator Fountain the rules were suspended to take up House bill No. 484, "An Act providing for the issuance and sale of the bonds of the State, for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Clark, Cole, Dohoney, Douglas, Evans, Ford, Fountain, Gaines, Hall, Pickett, Priest, Pyle, Rawson, Ruby, Saylor, Shannon—19.

Nays—Alford, Flanagan, Latimer—3.

Absent—Bowers, Broughton, Hertzberg, Mills, Parsons, Pettit, Pridgen—7.

Bill passed.

On motion of Senator Gaines, the rules were suspended to take up House bill No. 314, "An Act making an appropriation to defray the expenses of the removal of the mortal remains of General Sam. Houston from Huntsville to Independence, as contemplated in joint resolution No. 7."

Bill read first time.

Senator Gaines moved the bill be referred to a select committee of four

The chair appointed on said committee Senators Gaines, Bell, Fountain and Parsons.

On motion of Senator Latimer, the rules were suspended to take up House bill No. 60, "An Act to incorporate the Agricultural and Mechanical Association of North Eastern Texas."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Alford, Baker, Bell, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Latimer, Mills, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—23.

Nays—None.

Absent—Bowers, Broughton, Hertzberg, Parsons, Pickett, Saylor—6.

Bill passed.

On motion of Senator Mills, the rules were suspended to take up House bill No. 123, "An Act to incorporate the Galveston Insurance Company.

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—Alford.

Absent—Clark, Parsons—2.

Bill passed.

The hour having arrived for the consideration of special order, Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas,"

Senator Douglas moved that the matter under consideration be postponed until Monday, and it be made the special order for that day at 12 o'clock M.

Yeas and nays taken :

Yeas—Alford, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon--13.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Priest, Rawson, Ruby, Saylor--14.

Absent---Clark, Parsons--2.

Motion to postpone, lost.

Under direction of the President the Secretary carried to the House, with action of the Senate, Senate bill No. 296, "An Act declaring that the time between the date of the so-called ordinance of secession and the date of the acceptance, by the Congress of the United States, of the State Constitution, shall not be counted or reckoned against railroad companies."

Message from the House informing the Senate the House had passed Senate bill No. 15, "An Act to incorporate the German Land and Improvement Association."

Also, Senate bill No. 301, "An Act to incorporate the Calvert Bridge Company."

Also, that the Speaker had signed in open session enrolled bill, "An Act to create the county of Delta."

Also, enrolled bill, "An Act concerning the University lands and confirming the titles thereto."

Enrolled bill, "An Act for the relief of Harvey W. Moore."

Whereupon they were signed by the President and returned to the House.

Senator Pickett moved Senate bill No. 254 be postponed until tomorrow, and that it be made the special order for that day at eleven o'clock, and be continued from day to day until disposed of.

Carried.

The hour having arrived for the consideration of special order, Senate bill No. 315, "An Act to provide for repairing and making additions to the public buildings and property of the State, at Austin, Texas,"

Bill read second time.

Senator Dohoney offered the following amendments :

Strike out \$5000 for Governor's mansion and grounds.

Lost.

Amend by striking out \$5000 for artesian well.

Lost.

Amend by striking out \$3500 for furniture for Capitol.

Lost.

Senator Douglas offered the following amendments :

Strike out the item, Capitol, \$12,500.

Yeas and nays taken :

Yeas—Alford, Broughton, Clark, Dohoney, Douglas, Evans, Flanagan, Hertzberg, Pyle, Ruby, Shannon—11.

Nays—Mr. President, Baker, Bell, Bowers, Cole, Ford, Fountain, Gaines, Hall, Mills, Pettit, Pickett, Priest, Pridgen, Rawson, Saylor—16.

Absent—Latimer, Parsons—2.

Amendment lost.

Senator Douglas offered the following :

Amend by striking out “supreme court, \$11,600.”

Amendment lost.

Yeas and nays taken on engrossment of bill :

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Pickett, Priest, Pridgen, Ruby, Saylor—18.

Nays—Alford, Broughton, Clark, Douglas, Evans, Flanagan, Pyle, Rawson, Shannon—9.

Absent—Latimer, Parsons—2.

Bill passed to engrossment.

Senator Baker moved a suspension of rules, to put the bill on third reading.

Yeas and nays taken :

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Pickett, Priest, Pridgen, Rawson, Ruby, Saylor—19.

Nays—Alford, Broughton, Clark, Douglas, Evans, Flanagan, Pyle, Shannon—8.

Absent—Latimer, Parsons—2.

The Senate refused to suspend the rules, four-fifths not voting in the affirmative.

On motion of Senator Alford the Senate adjourned.

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## EVENING SESSION.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Absent—Alford, Bowers, Clark, Pettit, Rawson, Latimer.

Senator Mills moved that Senator Latimer be excused.

Yeas and nays called for:

Yeas—Mr. President, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Fountain, Gaines, Mills, Parsons, Pickett, Pridgen, Pyle, Ruby, Shannon—17.

Nays—Baker, Ford, Hertzberg, Priest—4.

Absent—Alford, Bowers, Clark, Hall, Rawson, Saylor—6.

Senator Latimer excused.

Under direction of the President the Secretary carried to the House and informed it that the Senate had passed the following bills:

House bill No. 438, "An Act to incorporate the Weatherford Masonic Institute."

House bill No. 463, "An Act for the relief of John B. Craig, deceased," with amendments.

House bill No. 306, "An Act to amend an act entitled 'An Act incorporating the city of Jefferson, in Marion county,' approved September 11, 1866."

House bill No. 484, "An Act providing for the issuance and sale of the bonds of the State, for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier."

House bill No. 60, "An Act to incorporate the Agricultural and Mechanical Association of Northeastern Texas."

House bill No. 123, "An Act to incorporate the Galveston Insurance Company."

House bill No. 355, "An Act to incorporate the West Fork Male and Female College."

House bill No. 53, "An Act to incorporate the Jefferson Insurance, Savings' and Exchange Company."

House bill No. 105, "An Act to incorporate the Texas Mutual Life Insurance Company."

House bill No. 13, "An Act to incorporate Big Cypress Bridge Company."

House bill No. 264, "An Act to incorporate Trinity University, located at Tehuacana Hills, Limestone county, Texas."

Also, that they have passed Senate bill No. 51, "An Act providing for a geological survey of the State of Texas."

Also, that the Senate concurred in House amendments to Senate bill No. 201.

On motion of Senator Pickett the rules were suspended to take up House bill No. 357, "An Act to incorporate the Bolivar Point, East Texas and Red River Company."

Bill read first time; rules suspended. bill read second time; rules further suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon—24.

Nays—None.

Absent—Bowers, Clark, Rawson, Saylor—4.

Excused—Latimer.

Bill passed and returned to the House.

On motion of Senator Priest the rules were suspended to take up House bill No. 457, "An Act for the relief of James L. Session and John Blair of Houston county, State of Texas."

Bill read first and second times; rules further suspended and bill read third time and passed, and returned to the House.

On motion of Senator Pridgen the rules were suspended to take up House bill No. 116, "An Act to reorganize the city of Indianola, in Calhoun county."

Rules suspended, bill read first and second times; rules further suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby, Shannon—25.

Nays—None.

Absent—Clark, Saylor, Rawson—3.

Excused—Latimer.

Bill passed and returned to the House.

On motion of Senator Pyle the rules were suspended to take up House bill No. 242, "An Act to incorporate the Houston real estate and banking company."

Rules suspended, bill read first and second times; rules further suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines,

Hertzberg, Mills, Parsons, Pettit, Priest, Pridger, Pyle, Rawson, Ruby, Shannon---24.

Nays---None.

Absent---Clark, Hall, Pickett, Rawson---4.

Excused---Latimer.

Bill passed and returned to the House.

[Senator Dohoney in the Chair.]

On motion of Senator Ruby the rules were suspended to take up Senate bill No. 215, "An Act to incorporate the city of Galveston and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by any existing charter."

On motion of Senator Ruby the report of committee was concurred in and amendments adopted.

On motion of Senator Ruby the bill was made the special order for Friday at ten o'clock A. M.

On motion of Senator Pettit the rules were suspended to take up House bill No. 86, "An Act to incorporate the town of Canton, in Van Zandt county."

Bill read first and second times ; rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas---Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Priest, Pridger, Pyle, Ruby, Saylor, Shannon---23.

Nays---None.

Absent---Mr. President, Clark, Hall, Rawson, Pickett---5.

Excused---Latimer.

Bill passed and returned to the House.

On motion of Senator Saylor the rules were suspended to take up Senate bill No. 248, "An Act to incorporate the Texas and Mexico Railway Company."

On motion of Senator Ruby the substitute was adopted.

Senator Flanagan moved the bill be made the special order for Saturday at twelve M.

Lost.

Rules suspended and bill read second time.

Senator Priest offered the following amendment to section one :

Amend section one, line five, strike out the word "ninety," and insert in lieu thereof "thirty."

Senator Campbell moved to reject the amendment.

Carried.

Senator Hertzberg offered the following amendment to section three :

Amend by inserting in section three, line eleven, after "San Antonio," "Provided, that no branch road of this company shall be established on a line nearer than twenty-five miles of any existing railway."

Adopted.

Pending reading of bill message from the House informing the Senate the House had passed Senate bill No. 50, "An Act to incorporate the Young Men's Real Estate and Building Association of the city of Austin."

The question recurring upon Senate bill No. 248, Senator Alford offered the following amendment: Amend by striking out section eleven.

Senator Pettit offered the following amendment to the amendment: Strike out all after "corporations," and add "for ten years."

Amendment accepted and adopted.

Senator Hertzberg offered the following amendment: Strike out section twelve.

Carried.

Pending reading of bill message from the House informing the Senate that the Speaker had signed in open session enrolled House bill No. 306, "An Act to incorporate the town of Jefferson, in Marion county."

Signed by the President and returned to the House.

The question recurring upon Senate bill No. 248, Senator Douglas offered the following amendment:

Amend, adding after the words "San Antonio," in line eleven, section three: "Provided, that this company shall not locate its road within twenty-five miles of any other road running in the same general direction."

Yeas and nays taken.

Yeas---Alford, Broughton, Douglas, Evans, Flanagan, Gaines, Ford, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Ruby---14.

Nays---Mr. President, Baker, Bell, Bowers, Clark, Cole, Dohoney, Fountain, Hertzberg, Mills, Rawson, Saylor, Shannon---13.

Absent---Hall.

Excused---Latimer.

Amendment adopted.

On motion of Senator Alford, the bill passed to engrossment.

Rules suspended, bill read third time.

Yeas and nays taken on final passage.

Yeas---Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Saylor, Shannon---23.



Nays---Evans, Flanagan, Priest, Ruby--4.

Absent---Hall.

Excused---Latimer.

Senator Priest moved the Senate adjourn.

Yeas and nays taken.

Yeas---Bell, Bowers, Clark, Cole, Douglas, Ford, Gaines, Parsons, Pettit, Pickett, Priest--11.

Nays---Mr. President, Alford, Dohoney, Evans, Flanagan, Fountain, Hertzberg, Mills, Pridgen, Pyle, Rawson, Ruby, Saylor--13.

Absent---Baker, Broughton, Hall, Shannon--4.

Excused---Latimer.

So the Senate refused to adjourn.

On motion of Senator Shannon, the rules were suspended to take up Senate bill No. 261, "An Act to incorporate the Acton Masonic Institute."

Substitute adopted.

Rules suspended, bill read second time and passed to engrossment; rules further suspended, and bill read third time.

Yeas and Nays taken on final passage.

Yeas---Mr. President, Alford, Bell, Bowers, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Mills, Parsons, Pettit, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--21.

Nays---None.

Absent---Baker, Clark, Broughton, Gaines, Hall, Hertzberg, Latimer, Pickett--8.

Bill passed.

On motion of Senator Campbell, the rules were suspended to take up Senate bill No. 286, "An Act to incorporate the Marion County Agricultural and Mechanical Association."

Bill read second time and passed to engrossment.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas---Mr. President, Alford, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--25.

Nays---None.

Absent---Baker, Clark, Hall, Latimer.

Bill passed.

On motion of Senator Saylor the Senate adjourned.

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